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## COURT OF APPEAL, FOURTH APPELLATE DISTRICT

#### **DIVISION ONE**

## STATE OF CALIFORNIA

In re A.R., a Person Coming Under the Juvenile Court Law.

SAN DIEGO COUNTY HEALTH AND HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

R.L.,

Defendant and Appellant.

APPEAL from order of the Superior Court of San Diego County, Michael J. Popkins, Judge. Affirmed.

Joseph T. Tavano, under appointment by the Court of Appeal, for Defendant and Appellant.

Thomas E. Montgomery, County Counsel, Caitlin E. Rae, Chief Deputy County Counsel, and Patrice Plattner-Grainger, Deputy County Counsel, for Plaintiff and Respondent.

R.L. (Mother) appeals an order denying her petition to modify the placement of her daughter, A.R., and terminating her parental rights. She contends that the juvenile court erred by determining that she failed to show that it would be in the best interests of A.R. to change her placement based on changed circumstances and by terminating her parental rights after finding that the beneficial parent-child relationship exception to adoption did not apply. (Welf. & Inst. Code, § 366.26, subd. (c)(1)(B)(i).)<sup>1</sup> We conclude that the juvenile court did not err in making these rulings and therefore affirm.

# FACTUAL AND PROCEDURAL BACKGROUND<sup>2</sup>

In April 2016, the San Diego County Health and Human Services Agency (the Agency) petitioned the juvenile court under section 300, subdivision (b), on behalf of one-year-old A.R. The Agency alleged that Mother was unable to provide regular care for A.R. due to continued domestic violence between Mother and her boyfriend, who was

<sup>1</sup> Further statutory references are to the Welfare and Institutions Code unless otherwise stated.

<sup>&</sup>quot;In accord with the usual rules on appeal, we state the facts in the manner most favorable to the dependency court's order." (*In re Janee W.* (2006) 140 Cal.App.4th 1444, 1448, fn. 1.)

not A.R.'s father, while A.R. was present.<sup>3</sup> The petition alleged that Mother "has been unwilling to protect the child from ongoing exposure to domestic violence, all of which places the child at substantial risk of serious physical harm."

As discussed in the detention report, the latest incident followed a history of domestic violence between Mother and A.R.'s father, B.R. (Father). Mother has another daughter, seven-year-old C.L., who resides with her paternal grandmother via a probate guardianship. C.L. and A.R. have different fathers.

A.R. was placed in protective custody following the latest incident, in which police responded to a child abuse hotline call. Mother admitted that she and her boyfriend had an argument that turned physically violent while A.R. was present. When police arrived, A.R. was crying. Less than a month before that incident, the Agency received a report that A.R. had a bruise on her face. Mother was not able to explain how A.R. had been injured. The social worker was concerned that, given the domestic violence in A.R.'s home, it was possible that A.R. had received the bruise during an altercation between Mother and her boyfriend or Father.

The juvenile court found that the Agency had made an adequate showing that A.R. was a person described by section 300, subdivision (b), and ordered her detained in an out-of-home care.

A.R.'s father, B.R., had only limited involvement in this proceeding and waived reunification services. The juvenile court ultimately terminated Father's parental rights and he has not appealed. Accordingly, we do not discuss the limited evidence and proceedings as they relate to Father.

In its jurisdiction report, the Agency noted that after the detention hearing, Mother tested positive for both marijuana and methamphetamine. She subsequently passed additional drug tests, indicated she wanted to maintain a safe environment for A.R., and cooperated with the Agency to begin participating in services. The Agency recommended that A.R. be returned to Mother's care and continue with in-home support services.

At A.R.'s jurisdiction and disposition hearing in June 2016, the court sustained the allegations of the petition under section 300, subdivision (b). The court placed A.R. in Mother's custody conditioned on Mother (1) allowing no contact between A.R. and Father or Mother's boyfriend; (2) attending individual therapy; and (3) notifying the social worker if anyone moved into her home.

Three months later, the Agency filed a petition pursuant to section 387 to remove A.R. from Mother's home. The Agency alleged that Mother had allowed contact between A.R. and Father, in violation of both the court's order and a criminal protective order and that Mother had tested positive for cocaine. Father had been found in Mother's home, where he appeared to be residing. Mother subsequently tested positive again for cocaine. In the following months, Mother visited with A.R. only sporadically, reported that she was living in her car, was discharged from one domestic violence program after making only "minimal progress" and failed to begin another domestic violence program, and was seen with bruises on her arms and a black eye.

In December 2016, the court sustained the section 387 petition, removed A.R. from Mother's custody, and ordered that reunification services be provided to Mother.

In advance of the six-month review hearing, the Agency reported that Mother had made some initial progress with her case plan, but had moved out of state for a while and was participating in services inconsistently. In its initial report, the Agency recommended that reunification services be terminated. However, in an addendum report prepared a month later, the Agency reported that Mother had shown improvement in her participation in services, leading the Agency to recommend that reunification services continue for another six months. The court agreed and ordered that A.R. remain in her current out-of-home placement while Mother received another six months of reunification services.

Shortly after the six-month review hearing, Mother gave birth to a son, P.L., who remained in her care. Mother suspended her participation in substance abuse treatment following the birth of her son, but resumed treatment several months later and completed the program. She also completed a parenting class and was participating in a domestic violence victims' group and other services. Although Mother had progressed to having unsupervised visits with A.R., the social worker remained concerned about Mother's ability to care for A.R. and did not recommend that she be returned to Mother's care. Instead, the Agency recommended that A.R. remain in her current placement while Mother received another six months of services. At the 12-month review hearing, the court found that returning A.R. to Mother's custody would be detrimental and ordered that reunification services continue for another six months.

In advance of the 18-month review hearing, the Agency recommended that the court terminate Mother's reunification services and set a selection and implementation

hearing under section 366.26. A few months after the 12-month review hearing, Mother was involved in another domestic dispute with another man, her latest ex-boyfriend and the father of her newborn son. Following a verbal argument, the ex-boyfriend grabbed Mother, pulled her hair, and punched her repeatedly. Mother was able to lock herself in the bathroom with her newborn son and call 911. When questioned by the social worker, Mother suggested that this had been an isolated incident and said that the ex-boyfriend did not reside with her. However, the apartment manager told the social worker that both Mother and the ex-boyfriend lived in the apartment and that neighbors often complained about their frequent arguments. The manager also told the social worker that Mother had brought A.R. to the apartment at times when the ex-boyfriend was also present.

Following this incident, the social worker suspended Mother's unsupervised visits with A.R. The Agency subsequently filed a section 388 petition, which the court granted, ordered that unsupervised visits be terminated, and that all future visits be supervised.

Although Mother was participating in reunification services as set forth in her case plan, her progress report noted that she was only "sometimes" able to demonstrate awareness of protective issues and an understanding of domestic violence, including its effect on children. She was attending only one of the two required weekly self-help or "12-step" meetings. The social worker recognized Mother's participation, but opined that "mother has not gained the insight necessary to provide a safe home that is stable, free of violence, and criminal activity."

In an addendum report, the Agency noted that Mother had been untruthful with the Agency regarding her recent employment and use of daycare for her son. Although she

told the Agency that she had been working and had placed her son in daycare, a subsequent check revealed that these statements were not true. Mother missed several visits with A.R., did not call A.R. at her caregivers' residence, and struggled to maintain a steady residence. The Agency recommended that reunification services be terminated and that the court set a section 366.26 hearing to determine an appropriate permanent plan.

Mother contested the Agency's recommendations and the court conducted an evidentiary hearing. After hearing testimony from Mother and considering other evidence, the court terminated reunification services, and set a selection and implementation hearing. The court found that Mother was not credible. The court also noted that, as demonstrated by Mother's recent domestic violence incident, "participation in services just haven't [sic] worked." The court found that the risk of continued domestic violence and danger to A.R. "is as great now, if not greater, than it was at the time of the initial removal."

Before the selection and implementation hearing, Mother filed a section 388 petition requesting that the court place A.R. in her care or, in the alternative, order services to allow for the transition of A.R. back to her care. To support the petition, she alleged a change in circumstances resulting from her participation in a "perinatal case management program" and individual domestic violence treatment. She also noted that

Mother filed a notice of intent to file a writ petition challenging the court's order, but her attorney later filed a letter with this court indicating that there were no viable issues for review. Accordingly, this court dismissed the writ proceeding.

she was regularly visiting with A.R. and "consistently demonstrating a parental role."

The court found that Mother had made a prima facie showing of changed circumstances and set the matter for an evidentiary hearing to coincide with the selection and implementation hearing.

In its initial assessment report, the Agency recommended that the court terminate Mother's parental rights and find A.R. to be adoptable. In the report, the social worker stated that Mother had participated in numerous supervised visits with A.R. and had a generally positive relationship with A.R.. However, the social worker noted that Mother had minimal contact with A.R. outside the scheduled visits and that Mother had not progressed to having longer and more frequent visits. The social worker opined that the relationship between A.R. and Mother was not a "significant parent-child relationship" and that the benefits of the limited relationship that did exist did not outweigh the benefits of adoption.

The Agency recommended that the juvenile court select a permanent plan of adoption. A.R.'s current caregivers stated that although they cared deeply for A.R., they were unable to adopt her, given their ages; they believed that it would be in A.R.'s best interests to be permanently placed with a younger couple where she could "flourish." The Agency noted that A.R. was generally adoptable given her young age and the fact that she did not have any major medical or developmental needs. The Agency had identified 71 possible adoptive families in San Diego County who had expressed an interest in adopting a child with A.R.'s characteristics.

After several continuances and the filing of interim addendum reports, the Agency submitted a final addendum confirming its prior recommendations. In the interim, A.R. had changed caregivers and been placed in a foster home that was interested in adopting A.R. A.R. maintained supervised visits with Mother but was transitioning to her new home, where A.R. appeared to be comfortable and happy.

At the section 366.26 hearing, the court also considered Mother's section 388 petition. The court heard testimony from Mother and the social worker. Mother testified that she was participating in individual therapy to address her domestic violence issues and stated that she was not currently in a relationship. She said that she had found an apartment and was working part time. On cross-examination, she admitted that even though her parental rights had not been terminated as to her older daughter and she had visitation rights, she had visited the older daughter only twice in the past year. She also testified about a recent incident in which she called the police after being threatened by her roommates.

The Agency social worker, Michelle Hoeger, testified that she had concerns regarding whether Mother could supervise both A.R. and Mother's younger son, based on problems that had arisen during supervised visits. She testified that after the visits were over, A.R. sometimes "clinged" to Mother for a few moments, but did not show any signs of distress after leaving. The social worker expressed concerns over Mother's ability to successfully parent A.R. if A.R. were returned to Mother's care. Hoeger testified that A.R. was doing "very well" in her current placement in a prospective adoptive home and that A.R. had told her that she was excited to be "getting a new mommy and daddy."

Hoeger testified that she did not believe that Mother had a parental relationship with A.R. She also opined that adoption would be in A.R.'s best interests whereas returning her to Mother's care would be detrimental.

The court denied Mother's section 388 petition seeking placement of A.R. in her care, finding that Mother had not demonstrated a change in circumstances or that it would be in A.R.'s best interests to return her to Mother's care.

Turning to the selection and implementation issue, the court acknowledged the "very cordial and loving" relationship between Mother and A.R. However, the court found that the relationship did not rise to the level of a parent-child relationship. The court proceeded to find that A.R. was adoptable and that none of the exceptions to adoption under section 366.26, subdivision (c)(1) applied. The court therefore terminated parental rights and selected adoption as A.R.'s permanent plan. Mother appealed.

#### DISCUSSION

I

Mother contends that the juvenile court erred in denying her petition filed pursuant to section 388 to modify A.R.'s placement by returning A.R. to her care or, in the alternative, to order services to allow a transition into Mother's care. Under section 388, a parent may petition the juvenile court to change, modify, or set aside a previous order on the grounds of changed circumstances or new evidence. The petitioning parent bears the burden of showing by a preponderance of the evidence that there is new evidence or changed circumstances that make a change in placement in the best interests of the child. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 317.) "After the termination of reunification

services, the parents' interest in the care, custody and companionship of the child are no longer paramount. Rather, at this point 'the focus shifts to the needs of the child for permanency and stability . . . .' [Citation.] A court hearing a motion for change of placement at this stage of the proceedings must recognize this shift of focus in determining the ultimate question before it, that is, the best interests of the child." (*Ibid.*)

As Mother acknowledges, we review the juvenile court's decision under the abuse of discretion standard of review. A proper exercise of discretion is " 'not a capricious or arbitrary discretion, but an impartial discretion, guided and controlled in its exercise by fixed legal principles. . . . to be exercised in conformity with the spirit of the law and in a manner to subserve and not to impede or defeat the ends of substantial justice.'

[Citations.]" (*In re Robert L.* (1993) 21 Cal.App.4th 1057, 1066.) Exercises of discretion must be " 'grounded in reasoned judgment and guided by legal principles and policies appropriate to the particular matter at issue.' [Citations.]" (*F.T. v. L.J.* (2011) 194

Cal.App.4th 1, 15.) Thus, although the abuse of discretion standard is deferential, "it is not empty." (*People v. Williams* (1998) 17 Cal.4th 148, 162.) The standard "asks in substance whether the ruling in question 'falls outside the bounds of reason' under the applicable law and the relevant facts. [Citations.]" (*Ibid.*)

Mother contends that her recent progress in counseling and treatment, combined with her having assumed more of a parental role in A.R.'s life and achieving stability in her own life, constitutes a change in circumstances warranting reconsideration of A.R.'s placement.

The juvenile court found that Mother had not demonstrated a sufficient change in circumstances, and we see no error by the court in that regard. Mother's recent participation in therapy and services did not appear to be at a significantly greater level of intensity than her previous efforts to participate in services and the apparent quality of her visits with A.R. had not significantly improved. However, even if Mother met her burden of showing a change in circumstances, the court did not abuse its discretion in finding that it would not be in A.R.'s best interests to be returned to Mother's care.

In denying the section 388 petition, the court referenced its findings at the 18-month review hearing and stated that "[t]he findings I made back then are pretty much the way I feel now after hearing all the evidence in this case." At the 18-month review hearing, the court found that Mother's ongoing relationships, which were plagued by domestic violence, placed A.R. at the risk of injury, that Mother was not credible given her inconsistent statements, and that a recent domestic violence incident demonstrated that Mother was not making the necessary changes despite her participation in reunification services.

Although Mother presented evidence that indicated that she continued to participate in therapy and other services, she has not demonstrated that the trial court abused its discretion in finding that it would not be in A.R.'s best interests to return to Mother or to order services for Mother to facilitate that change in placement. Even after her participation in reunification services, Mother continued to place herself in situations where she was the victim of domestic violence, which would subject her children to risk of injury and emotional harm. At the hearing, Mother admitted that only months before

the hearing, she had to call the police after she locked herself and her son in the bathroom because her roommates were threatening to physically hurt her. One of the roommates who was involved in this incident was prohibited from being in the home because an active restraining order against him by another roommate, yet nevertheless entered the house and participated in threatening Mother. Although Mother claimed that she had immediately moved out of that residence following that incident, the court was reasonably concerned regarding Mother's pattern of repeatedly involving herself in relationships where she and her children were at risk of being physically injured. As the social worker opined, A.R.'s exposure to domestic violence had other effects as well, including a likely effect on her own aggressive behaviors.

Moreover, A.R. was thriving in her current placement with a prospective adoptive family, where she was provided with a stable home. When contrasted with Mother's extensive history of domestic violence and lack of stability, the juvenile court could have reasonably concluded that it would be in A.R.'s best interests to remain in her current placement and for the court to proceed to the selection and implementation hearing.

Accordingly, the court' denial of Mother's section 388 petition did not constitute an abuse of discretion.<sup>5</sup>

II

Mother also contends that the court erred in selecting adoption as the permanent plan for A.R. following the selection and implementation hearing held pursuant to section 366.26. "'Once reunification services are ordered terminated, the focus shifts to the needs of the child for permanency and stability.' [Citation.] 'A section 366.26 hearing . . . is a hearing specifically designed to select and implement a permanent plan for the child.' [Citation.] It is designed to protect children's 'compelling rights . . . to have a placement that is stable, permanent, and that allows the caretaker to make a full emotional commitment to the child.' [Citation.] 'The Legislature has declared that California has an interest in providing stable, permanent homes for children who have

Mother asks this court to apply the three-factor test set forth in *In re Kimberly F*. (1997) 56 Cal.App.4th 519, which held that a juvenile court ruling on a section 388 petition should consider "(1) the seriousness of the problem which led to the dependency, and the reason for any continuation of that problem; (2) the strength of relative bonds between the dependent children to both parent and caretakers; and (3) the degree to which the problem may be easily removed or ameliorated, and the degree to which it actually has been." (*Id.* at p. 532.) As the *Kimberly F*. court noted, those factors are not meant to be exhaustive. (*Ibid.*) However, applying those factors would not lead to a different outcome here. As already discussed, the seriousness of Mother's domestic violence problems that led to this dependency proceeding had not been ameliorated. Additionally, as we will discuss, the relationship between Mother and A.R. was not strong enough to outweigh the benefits of A.R.'s placement with a prospective adoptive family.

been removed from parental custody and for whom reunification efforts with their parents have been unsuccessful.' " (*In re Celine R*. (2003) 31 Cal.4th 45, 52-53 (*Celine R*.).)

"Whenever the court finds 'that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption.' [Citation.] The circumstance that the court has terminated reunification services provides 'a sufficient basis for termination of parental rights unless the court finds a compelling reason for determining that termination would be detrimental to the child due to one or more' of specified circumstances. [Citation.] The Legislature has thus determined that, where possible, adoption is the first choice. 'Adoption is the Legislature's first choice because it gives the child the best chance at [a full] emotional commitment from a responsible caretaker.' " (Celine R., supra, 31 Cal.4th at p. 53.)

"[I]f the child is adoptable . . . adoption is the norm. Indeed, the court must order adoption and its necessary consequence, termination of parental rights, unless one of the specified circumstances provides a compelling reason for finding that termination of parental rights would be detrimental to the child. The specified statutory circumstances—actually, *exceptions* to the general rule that the court must choose adoption where possible—'must be considered in view of the legislative preference for adoption when reunification efforts have failed.' [Citation.] At this stage of the dependency proceedings, 'it becomes inimical to the interests of the minor to heavily burden efforts to place the child in a permanent alternative home.' [Citation.] The statutory exceptions merely permit the court, in *exceptional circumstances* [citation], to

choose an option other than the norm, which remains adoption." (*Celine R.*, *supra*, 31 Cal.4th at p. 53.)

Mother does not dispute the court's finding that A.R. is likely to be adopted, but contends that the beneficial parent-child relationship exception applies such that her parental rights should not have been terminated and the court should have selected an alternative permanent plan. The beneficial parent-child relationship exception applies where "[t]he court finds a compelling reason for determining that termination would be detrimental to the child" because "[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship." (§ 366.26, subd. (c)(1)(B)(i).) The parent bears the burden in the juvenile court of showing the exception applies. (*In re J.C.* (2014) 226 Cal.App.4th 503, 529 (*J.C.*).)

The parties do not dispute that Mother maintained regular visitation and contact with A.R. in the months preceding the section 366.26 hearing. Accordingly, the issues in this appeal are whether Mother established the existence of a beneficial parent-child relationship and whether the benefits of maintaining that relationship outweigh the benefits of adoption. (See *In re Logan B*. (2016) 3 Cal.App.5th 1000, 1011-1012.) "We apply the substantial evidence standard of review to the factual issue of the existence of a beneficial parental relationship, and the abuse of discretion standard to the determination

of whether there is a compelling reason for finding that termination would be detrimental to the child." (*In re Anthony B.* (2015) 239 Cal.App.4th 389, 395.)<sup>6</sup>

"To overcome the preference for adoption and avoid termination of the natural parent's rights, the parent must show that severing the natural parent-child relationship would deprive the child of a *substantial*, positive emotional attachment such that the child would be greatly harmed. [Citations.] A biological parent who has failed to reunify with an adoptable child may not derail an adoption merely by showing the child would derive *some* benefit from continuing a relationship maintained during periods of visitation with the parent. [Citation.] A child who has been adjudged a dependent of the juvenile court should not be deprived of an adoptive parent when the natural parent has maintained a relationship that may be beneficial to some degree, but that does not meet the child's need for a parent." (*In re Angel B.* (2002) 97 Cal.App.4th 454, 466 (*Angel B.*).)

"A parent must show more than frequent and loving contact or pleasant visits.

[Citation.] 'Interaction between natural parent and child will always confer some incidental benefit to the child . . . . The relationship arises from the day-to-day interaction, companionship and shared experiences.' [Citation.] The parent must show he or she occupies a parental role in the child's life, resulting in a significant, positive,

Mother suggests that the substantial evidence standard of review applies. (See, e.g., *In re Autumn H.* (1994) 27 Cal.App.4th 567, 576.) We believe the hybrid standard of review is correct for the reasons stated in *J.C.*, *supra*, 226 Cal.App.4th at pages 530-531, and we need not add our voice to the discussion surrounding the proper standard in this instance. In any event, our conclusion would be the same even under the pure substantial evidence standard of review. (See *In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1351 (*Jasmine D.*) ["The practical differences between the two standards of review are not significant."].)

emotional attachment between child and parent." (*In re C.F.* (2011) 193 Cal.App.4th 549, 555.) "A friendly relationship . . . 'is simply not enough to outweigh the sense of security and belonging an adoptive home would provide.' " (*In re Jason J.* (2009) 175 Cal.App.4th 922, 938.)

"The factors to be considered when looking for whether a relationship is important and beneficial are: (1) the age of the child, (2) the portion of the child's life spent in the parent's custody, (3) the positive or negative effect of interaction between the parent and the child, and (4) the child's particular needs. [Citation.] While the exact nature of the kind of parent/child relationship which must exist to trigger the application of the statutory exception to terminating parental rights is not defined in the statute, the relationship must be such that the child would suffer detriment from its termination." (Angel B., supra, 97 Cal.App.4th at p. 467, fn. omitted.)

The trial court found that Mother did not have a beneficial parent-child relationship with A.R that outweighed the benefits of adoption. This dependency proceeding began in April 2016, when A.R. was only 15 months old. By the time of the selection and implementation hearing in April 2019, A.R. had been out of Mother's care for almost three years and had only limited visitation with Mother.

This limited time together supports a finding that even if a parent-child relationship did exist, there was not such a strong bond between Mother and A.R. that the detriment caused by the termination of Mother's parental rights would outweigh the benefits of adoption. The visitation reports and testimony of the social worker support the conclusion that even if the relationship between Mother and A.R. was generally

cordial, there was not a significant emotional attachment between them. As the social worker testified, A.R. expressed no distress when visits with Mother were over. Outside of the visits, A.R. rarely mentioned Mother or asked to see her. A.R. repeatedly expressed excitement about living with a new "mommy and daddy" and appeared comfortable in her current placement with a prospective adoptive family. This evidence supports the juvenile court's finding that while A.R. loved her mother and enjoyed spending time with her, there was not such a strong bond between mother and daughter as to justify depriving A.R. of the permanency and stability of an adoption.

Mother contends that the undisputed facts establish the existence of a beneficial relationship between her and her daughter. However, even assuming that Mother established the existence of a positive parent-child relationship, she has not shown that the juvenile court abused its discretion by finding that the benefits of adoption outweighed the benefits of maintaining that relationship. The underlying proceeding spanned a period of three years, during which A.R. was placed in the care of multiple different caregivers. As the social worker testified, A.R. was likely to benefit from the stability of adoption; returning her to Mother's care would be detrimental. Given the history of this dependency proceeding, the trial court did not abuse its discretion in

Although not dispositive, despite Mother maintaining parental rights as to her older daughter, Mother testified that she had visited the older daughter only twice in the last year. This limited level of contact between Mother and her older daughter suggests that Mother's interest in maintaining a relationship with her children may not be as strong as she suggests in this proceeding.

finding that A.R.'s need for stability outweighed the benefits of maintaining the relationship between A.R. and Mother.

Mother relies on other evidence in the record to support the claim that maintaining her relationship with A.R. outweighs a permanent plan of adoption. The role of this court on appeal, however, is not to second-guess the juvenile court's decision or to reweigh the evidence. Further, as we have stated, even if we were to assume that Mother and A.R. had a beneficial relationship and that A.R. enjoyed her visits with Mother, this evidence would not compel the conclusion that severing the parent-child relationship would be detrimental to A.R. The juvenile court could have reasonably found that the bond between Mother and A.R. was not of such a quality that maintaining that relationship would outweigh the benefits of adoption. Mother has not shown that the court abused its discretion by finding that the beneficial parent-child relationship exception did not apply.

#### DISPOSITION

The order is affirmed.

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WE CONCUR:

O'ROURKE, Acting P. J.

IRION, J.